

Remarks:**I. Request For Constructive Assistance**

If, for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP §707.07(j) in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

II. Priority

Examiner asserts priority may be in question because provisional “treats the amounts as being both non-monetary amounts”. Applicant has now amended specification (see para 38) and independent claims to address this and submits that the application properly claims benefit under 35 USC 119(e) to the provisional application.

III. Objections and Suggestions

Applicant has amended all informalities cited by Examiner and discovered by Applicant.

Examiner has provided several suggestions throughout office action including better clarifying the order of events with respect to the elements of first time and second time and a more specific relationship to each other and to the relationship of other elements. Applicant has now amended to indicate a “first time” to be an earlier time than a “second time”. Further Applicant remarks are written from this amended point of view.

In one suggestion Examiner interprets that “second amount is calculated after both second and first times”, whereas Applicant teaching is not limited to calculating the second amount only after both times. For example, Applicant has made amendments to more clearly show that a “first time” and “first amount” are retrieved data elements associated to each other whereas the “second time” can be the time the calculation of the “second amount” is made.

IV. Rejection of Claims 6-26 Under U.S.C. §112

Examiner asserts repeatable results cannot be reproduced due to interpreting claim elements to read, “first time is when first amount is received”. Claims 6, 25, and 26 have been amended to clarify that the “second time” is a specific determination regardless of method. For instance, in one configuration “second time” could be determined to be a time of requesting data elements and in another configuration “second time” could be determined to be a time of receiving requested data elements.

Regardless of what value is determined, the step of calculation of the “second amount” will always produce the same result whenever presented with the same inputs. The method of claim 6 is enabled.

V. Rejection of Claims 6-8 and 15-24 Under 35 U.S.C. §102 as being anticipated by Iannacci

Claims 6-8 and 15-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Iannacci (U.S. Patent Application Pub No. 2002/0062249). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Iannacci is limited to teaching an incentive award and value exchange program where all non-monetary rewards are calculated from **cash amounts** only. No where does Iannacci teach calculating a non-monetary reward based upon a non-monetary balance whereas Applicant does teach accrual of non-monetary account interest related to an account holder’s **non-monetary balance**.

Referring to Applicant third step of Claim 6, Iannacci is limited to teaching calculating a non-monetary reward as simply a ratio of a monetary purchase irrespective of when the purchase was made or when the award was calculated whereas Applicant teaches how a difference in time is a function of the step of non-monetary calculation. Because Iannacci does not teach a step of independent claim 6, it cannot teach the additional steps of dependant claims 7, 8, and 15 - 24.

VI. Rejection of Claims 25 and 26 Under U.S.C. §102 - Wolfberg

Claims 25 and 26 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Wolfberg (U.S. Patent No. 5,745,706). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Examiner references Wolberg (col 10 lns 22-32) which teaches methods similar to Iannacci of crediting an account with non-monetary rewards related to account holder **monetary** balance or monetary purchases. Further Wolberg (see col 5, lns 20-24 and col 7 lns 25-38) teaching of interest is limited to monetary accounts and monetary interest. This is one reason why Wolfberg fails to teach the recited element of independent claims 6, 25, and 26, “wherein said first amount is a non-monetary amount and said second amount is a non-monetary amount.”

VII. Rejection of Claims 5, 25, and 26 Under U.S.C. §103 - Wolfberg in view of Iannacci

Claims 5, 25, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfberg (U.S. Patent No. 5,745,706) and further in view of Iannacci. Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

Wolfberg and Iannacci both fail to teach accrual of non-monetary account interest from an account holder's **non-monetary balance** and both fail to show the recited element of independent claim 5, "account balance is a non-monetary amount and said account interest is a non-monetary amount" and independent claims 6, 25, and 26, "wherein said first amount is a non-monetary amount and said second amount is a non-monetary amount." This provides no reason for the skilled artisan to combine the teachings of Wolfberg and Iannacci.

VIII. Rejection of Claims 9-14 Under U.S.C. §103 - Wolfberg in view of Iannacci and in further view of Riley

Applicant respectfully requests reconsideration of this rejection for at least the following reasons. Examiner's 103 argument fails because Wolfberg, Iannacci, and Riley, separate or together in any combination, fail teach or suggest the third step of independent Claim 6, which Claims 9-14 depend on.

IX. Conclusion

For all of the above reasons, the present application and pending claims 5-28, as amended, are believed to be in condition for allowance. Applicant respectfully requests the Examiner withdraw all objections and rejections, and issue a formal Notice of Allowance directed to claims 5-28, inclusive.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact the Applicant at the telephone number listed below.

Respectfully submitted,



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